

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kenneth D. Simone, Jr.
Serial No.: 09/658,298
Filed: September 8, 2000
Group No.: 2142
Confirmation No. 3516
Examiner: Beatriz Prieto
Title: METHOD AND APPARATUS FOR COMMUNICATING
DURING AUTOMATED DATA PROCESSING

Mail Stop Appeal Brief- Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

In response to the Notification of Non-Compliant Appeal Brief dated November 6, 2006, Appellants respectfully submit the attached replacement Amended Appeal Brief, which contains a revised "Summary of Claimed Subject Matter" section, as requested by the Examiner. Appellants respectfully request that the Examiner substitute the attached Amended Appeal Brief for the Appeal Brief previously submitted on August 14, 2006.

If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Appellants stand ready to conduct such a conference at the convenience of the Examiner.

Although no fees are believed to be currently due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Appellants



Kurt M. Pankratz
Reg. No. 46,977

Date: December 5, 2006

Customer Number: **05073**